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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ petition (C) No.5171/2007

Single Bench: **Hon'ble Shri Dilip Raosaheb Deshmukh, J.**

Petitioner (Insurer)		The New India Assurance Company Limited, Through the Divisional Manager, The New India Assurance Company Ltd., Second Floor, Rama Trade Center, Bus Stand Road, Bilaspur (Chhattisgarh)
		Versus
Respondents (Owner)	1.	Anant Kumar Dewangan S/o Shri D.R. Dewangan, Age Unknown R/o Quarter No.121/D, Resali Sector-Bhilai, P.S. Navai, District-Durg (CG)
(Driver)	2.	Umesh Kumar Verma, S/o Shri G.P. Verma, age unknow, R/o Quarter No.80/D, Resali Sector-Bhilai, P.S. Navai, District-Durg (CG)
(Claimant)	3.	Monu Pandey, S/o Harishankar Pandey, aged about unknown, Minor represented through mother Smt. Rajkumari Pandey, W/o Shri Harishanker Pandey, R/o House No.15/5, Vasundhara Nagar, Bhilai-3, District Durg (CG) presently residing at Mishra Bhawan, Kohka Road, Bhilai, District Durg (CG)

Writ petition under Article 227 of the Constitution of India

Present:-
Shri Sourabh Sharma, counsel for the petitioner.

ORAL ORDER

(Passed on 27th August, 2007)

Heard on admission.

(2) Learned counsel for the petitioner did not dispute that the offending vehicle was under a valid policy of insurance and risk of the passengers travelling in the vehicle was covered only to the extent of Rs.50,000/-.

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(3) The sole ground urged by the learned counsel for the petitioner is that the offending vehicle insured for private use was being used as a commercial vehicle. However, upon a perusal of the impugned award I find that no evidence was led to substantiate the ground urged by the learned counsel for the petitioner.

(4) In view of the above, I find no merit in this writ petition which is dismissed at the stage of admission.

Sd-/
Dilip Raosaheb Deshmukh
Judge